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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,582	03/16/2004	Bradley R. Stager	P 0555.14108	3890

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BIRDWELL & JANKE, LLP
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PORTLAND, OR 97204

EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/802,582	STAGER, BRADLEY R.	
	Examiner	Art Unit	
	Bena Miller	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Bena B. Miller

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The remarks in the RCE filed 2/16/07 are duly noted

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 30-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Hult (US Patent 5,201,352) or Kendra (US Patent 4,169,690) or Stier (US Patent 3,613,197).

The device of either Hult or Kendra or Stier reads on the elements of the claimed invention including at least two spaced apart, concavely curvilinear cutting edges (fig. 1 or fig. 1, or fig. 4, respectively), wherein respective lines bisecting said cutting edges extending from respective points of intersection therewith to respective centers of curvature thereof diverge from one another (it should be noted that applicant does not positively recite the respective lines but appears to reference the lines to the curvature of the knife; therefore, the examiner takes the position that this respective lines bisects the cutting edges of either Hult or Kendra or Stier which extends from respective points of intersection therewith to respective centers of curvature thereof diverge from one another) , the knife having a planar front side (fig. 1 or fig. 1, or fig. 4, respectively), a spaced apart, planar back side and a beveled face connecting said front and back sides at respective outer peripheral contours thereof (fig. 1 or fig. 1, or fig. 4, respectively), wherein the outer peripheral contour of said front side includes one of said

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cutting edges, wherein, in a cross-section of the knife taken in a plane perpendicular to the plane of said front side and to the peripheral outer contour thereof of said front side, said beveled face defines an attack relief angle with respect to said plane, wherein said attack relief angle is in the range of 25 - 40 degrees (fig. 1 or fig. 1, or fig. 4, respectively)

The device of either Hult or Kendra or Stier further teaches "n" curvilinear cutting edges, where "n" is greater than 2, spaced apart from one another with $360/n$ degree rotational symmetry (fig. 1 or fig. 1, or fig. 4, respectively), the knife having a planar front side, a spaced apart, planar back side and a beveled face connecting said front and back sides at respective outer peripheral contours thereof (fig. 1 or fig. 1, or fig. 4, respectively), wherein the outer peripheral contour of said front side includes one of said cutting edges, wherein, in a cross-section of the knife taken in a plane perpendicular to the plane of said front side and to the peripheral outer contour thereof of said front side, said beveled face defines an attack relief angle with respect to said plane, wherein said attack relief angle is in the range of 25 - 40 degrees.

Further, the Examiner takes the position that the attack relief angle of either Hult or Kendra or Stier is in the range of 25-40 degrees and the defined alignment angle of relief between the line and outer perimeter portion is at least about 20 degrees.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Hult or Kendra or Stier.

In event Applicant disagrees with the above rejection, it would have been obvious to one having ordinary skill in the art to provide a constant attack relief angle for the knife of either Hult or Kendra or Stier in the range of 25-40 degrees and an alignment angle of the relief between the line and outer perimeter portion are at least about 20 degrees for the purpose of enhancing the efficiency of the knife for cutting wood material.

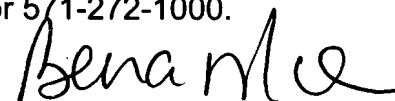
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bena Miller
Primary Examiner
Art Unit 3725

bbm
May 12, 2007